



**City of Bellevue
Development Services
Land Use Division Staff Report**

Proposal Name: Goodboy Variance

Proposal Address: 4003 177th Ave NE

Proposal Description: Land Use Code Variance to reduce the required 20 foot front yard setback to 5 feet in the R-5 zoning district and to increase the maximum height limit for undersized lots.

File Number: 11-131127-LS

Applicant: James & Bobbi Goodboy

Decisions Included: Administrative Variance (Process II)

Planner: Leah Chulsky

State Environmental Policy Act
Threshold Determination: **Exempt pursuant to WAC 197-11-800(6)(b)**

Director's Decision: **Approval with conditions**
Michael A. Brennan, Director
Development Services Department

By: Carol V. Helland

Carol V. Helland, Land Use Director,

Application Date: December 30, 2011
Notice of Application Date: February 9, 2012
Notice of Decision Date: October 11, 2012
Appeal Deadline: October 25th, 2012

For information on how to appeal a proposal, visit the Development Services at City Hall or call 455-6800 (TTY (206) 462-4636). Appeal of the Decision must be made with the City Clerk by 5 PM on the date noted for appeal of the decision.

I. Project Description

The applicant is requesting variance approval to reduce the required 20-foot front yard setback, measured from the edge of SE 40th PL, to 5-feet in order to build a new single family residence at 4003 177th Ave SE. As the lot is less than 70 percent of the minimum lot size and subject to additional height restrictions of 20.20.070.B, the applicant is also requesting variance approval for a maximum height of 33.4-feet at the highest peak from average existing grade.

II. Site Description and Context

The trapezoid shaped property is located at the corner of SE 40th PL and 177th Ave SE. The lot was originally platted within King County at 4,159 sq. ft. The original home was built in 1926 and currently occupies the same footprint. When the area was annexed into the City of Bellevue it was designated as R-5 for Land Use zoning purposes. At 4,159 sq. ft. the existing lot is 57% of the minimum lot size for the R-5 zoning district. As the lot is less than 70% the minimum lot size, building height is calculated per Land Use Code (LUC) Section 20.20.070.B which provides the following calculation for undersized lots:

$$\text{Building Height} = 2 \times C \times H$$

C = The ratio of potential building area (lot less the area of the lot's minimum setback requirements) to total lot area

H = the general height requirement otherwise applicable to the lot

(In no event shall the building height imposed be less than 15 ft.)

Based on the above calculation without a Variance the maximum height for this lot would be 15 ft.





III. Community Input on the Proposal:

On February 9, 2012 the public notice for the project was published in the Weekly Permit Bulletin and mailed to property owners within 500 feet of the subject site. One comment was received from the public concerning the height of the home blocking their view.

Response: The City of Bellevue does not have any regulations in place restricting the height of homes based on views. The proposed height is consistent with the heights of newer homes in the neighborhood.

IV. Technical Review:

Transportation: On June 25, 2012 Transportation Review indicated there were no concerns with the application and imposed no conditions.

V. Purpose

A variance is a mechanism by which the City may grant relief from the provisions of the LUC where practical difficulty renders compliance with the provisions of that Code an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property, and where the purposes of that code and of the comprehensive plan can be fulfilled.

VI. Decision Criteria:

20.30G.140 Decision Criteria for a Variance

The Director may approve or approve with modifications an application for a Variance if all of the following criteria are met:

- A. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property.**

Finding: Approval of a variance to the required front yard setback will not constitute a grant of special privilege to the applicant. The other corner property (4002 176th Ave SE) located directly behind the subject property maintains a 4 foot 6 inch setback from SE 40th PL. The applicant is proposing a staggered front yard setback ranging between 5 and 10 feet. A minimum 10 foot setback is required in front of the garage to allow for two cars to be parked off of the street. See related condition of approval in Section VIII.

Approval of a variance to the height limitations of undersized lots is consistent with the redevelopment of existing properties which are a mixture of two and three story homes. While all the lots in the surrounding neighborhood are undersized for the zone, the subject property is one of only two lots which do not meet 70 percent of the minimum lot size. A new home built in 2005 located at 4012 176th Ave SE with a lot size of 5,040 square feet (05-126456-BS) was approved at 33 feet 3 11/16 inches from existing grade and is three stories. The home located at 4002 176th Ave SE, with a lot size of 5,000 square feet, was originally built and remodeled within King County and is 3 stories in height. That home has a façade consistent with what's being proposed by the applicant. See related condition of approval in Section VIII.

- B. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with the use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property.**

Finding: The variance is necessary due to the configuration and size of the subject property. This property is located within the R-5 zoning district. The property is a corner lot which contains two front yards. The lot is also 4,159 square feet which is 3,041 square feet smaller than the minimum lot size for the R-5 zone.

The applicant is proposing to maintain one of the front yard setbacks while reducing the other to a staggered setback to allow for a building footprint

which is consistent with those of the surrounding homes. The proposed building height of 33 feet 4 inches at the highest peak from average existing grade along with the proposed setback reduction will achieve a building area and envelop consistent with new development within the immediate vicinity. The proposed residence will conform to side and rear yard setbacks, lot coverage and impervious surface maximums. Approval of this variance would allow the applicant to achieve the developable area that is afforded to other similarly zoned and constrained sites in the area while keeping with the character of the residential development in the vicinity.

C. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use district in which the subject property is located.

Finding: The granting of a 5 foot front yard setback and height variance will not be materially detrimental to the public welfare or injurious to land uses within the vicinity. The requirement to maintain a minimum setback of 10 feet for off-street parking will have less impact on the use of the road than the current setback of 4 feet. In reference to the single public comment, the City of Bellevue does not have any regulations in place restricting the height of homes based on views. The proposed height is consistent with the heights of newer homes in the neighborhood.

D. The variance is not inconsistent with the Comprehensive Plan.

Finding: This site is located within the Newcastle subarea in the City of Bellevue Comprehensive Plan. The Comprehensive Plan designates the site as single-family high density. The zoning density of R-5 along with this designation makes this proposal consistent with the subarea policies. The following policies apply to this proposal:

Policy LU-21: Develop land use strategies to encourage the maintenance and updating of the city's older housing stock, so that neighborhoods are well-maintained and existing housing is preserved, updated, or modified to meet the evolving needs of residents.

Policy S-NC-11: Promote infill development at a density consistent with the existing character of established neighborhoods.

Finding: The variance request will complement the neighborhood by allowing the construction of a new house that it is to a size, scale, and character more consistent with the surrounding redevelopment.

VII. Conclusion and Decision:

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, and City Code and Standard

compliance reviews, the Director of Development Services does hereby **APPROVE** the variance subject to the following conditions.

Variances shall run with the land in perpetuity if recorded with King County Department of Records and Elections within 60 days following the City's final action.

VIII. Conditions of Approval:

1. The approval is limited to the front yard setback intrusion depicted on the site plan A-1.0 dated 6-22-12. The front yard setback will be reduced to 5 feet except for the area in front of the garage which shall maintain a 10 foot setback from SE 40th PI to allow for two off street parking spots.

Authority: Land Use Code 20.30G.140.A.1

Reviewer: Leah Chulsky, Development Services Department

2. The height is limited to the a maximum height of 33.4 feet from the average existing elevation to the highest peak shown on the exterior elevations sheet A-3 dated 6-22-12. This is to be verified with a spot elevation survey when the trusses are set and prior to the roof being completed.

Authority: Land Use Code 20.30G.140.A.1

Reviewer: Leah Chulsky, Development Services Department

List of Attachments:

1. Plans and Drawings